

**REMARKS**

This Response is presented in response to the Office Action dated June 21, 2006, wherein the Examiner has rejected claims 1-31. No amendments have been made, and no claims have been canceled or added. Accordingly, claims 1-31 are pending in the present application. Reconsideration and allowance of pending claims 1-31 in view of the amendments and the following remarks are respectfully requested.

**Claim Rejections Under §102:**

Paragraph 2 of the Action rejects claims 1-31 under 35 U.S.C. 102(b) as being anticipated by Gobush (U. S. 6,533,674). In rejecting claims 1-31, the Action puts forth the same exact rationale as provided in the previous rejection, even though Applicant provided a detailed rebuttal to these arguments pointing out several deficiencies in the cited art. The current Action fails to address Applicant's rebuttal arguments other than to say that it is the Examiner's position that Gobush teaches "colored markings or dots are painted on the ball in a plurality of colors." By this Applicant assumes the Examiner means that colored markings comprising more than one color are used at the same time as claimed in claim 1. Applicant, therefore, is forced to again traverse the same rejection. As stated in the previous Response, Gobush does teach the use of more than one color simultaneously as claimed in claim 1. But even if Gobush taught the use of markings comprising more than one color at the same time, which it does not, Gobush still would not anticipate claim 1 because it does not teach the use of a color camera.

First, Applicant respectfully traverses the rejection of claims 1-31 because, *inter alia*, Gobush does not teach "marking a golf ball with color markings...comprising at least two colors." In order to sustain a rejection under 35 U.S.C. 102(b), the cited reference must teach

each and every claim limitation. (See MPEP §2131). Moreover, “the identical invention must be shown in as complete detail as contained in the . . . claim.” (See MPEP §2131, citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). Gobush cannot, therefore, anticipate claims 1-31, because Gobush fails to teach each and every element of claims 1-31.

Certain embodiments of the present invention are directed to systems and methods for fitting golf equipment, including marking a golf ball with at least two colors and using a high speed color camera to obtain images of the golf ball after impact by the golf club. The images can then be used to obtain launch data, such as spin rate, velocity, and launch angle. (See, e.g., para. 54 on page 13). By using color high-speed cameras and a golf ball with at least two color markings more accurate and more reliable launch data can be obtained as compared to conventional systems, such as that depicted in Gobush, which typically use black and white high speed cameras. (See paragraph 072). Further, using color markers requires less data relative to the system of Gobush because fewer markers can be used in the present system.

Accordingly, claim 1 recites a method for fitting golf equipment, comprising “marking a golf ball with color markings, the color markings comprising *at least two colors*; and collecting data related to how the golfer’s swing launches a golf ball using a color camera and *the color markings*.” It is clear therefore that more than one color is used on the golf ball simultaneously, as opposed to Gobush, which uses only one color as explained below.

The Gobush reference teaches that “[d]ots 41a-f are preferably invisible florescent markers” or “colored markers such as red, green, or blue.” (See Gobush, col. 4, lns. 18-25). Gobush, however, teaches using only *one* of these colors for any given golf ball, stating that

when using colored markers, an interference filter is used on the camera to provide a stronger contrast for *the color chosen*.” Thus, in Gobush, only a single color is used, this color can be selected from, e.g., red, green, or blue, but only one of these colors is selected for use on a given ball. (See Gobush, col. 4, lns. 25-27). The reference to *an* interference filter used with the color chosen also makes clear that only one color is used on a ball in the method taught by Gobush. One of skill in the art would understand that the interference filter is matched to the color. Thus, if there were more than one color, then there would have to be more than one interference filter.

The use of color in Gobush is for a different purpose, i.e., making sure that the system does not confuse the marking on the club for the markings on the golf ball. This is achieved by using a certain color on the golf ball, and a certain color on the golf club, and then using a filter to filter out the color used on the golf club, while not filtering the color used on the golf ball. Thus, in Gobush, only a single color is used on the ball and a single color is used on the club. Using multiple colors on the ball would not make sense as it would require multiple filters that would unnecessarily complicate the system.

Further, even if Gobush teaches using more than one color on a golf ball at the same time, which it does not, Gobush does not process the markings of two different colors. Thus, nothing in Gobush teaches what one would do with the data provided by using multiple colors on the golf ball, as in the present application and claims. On the contrary, Gobush teaches that the “light received is reflected by the dots 41a-f...appear[s] as bright areas” or alternatively, in another embodiment, as “dark areas.” (See Gobush, col. 4, lines 41-45). Thus, Gobush teaches processing “bright areas” in one embodiment and “dark areas” in another embodiment, not two different colored areas on the same golf ball.

Applicant further traverses this rejection because contrary to the position taken in the Action, Gobush does not teach the use of color cameras. The Action states that Gobush teaches the use of a color camera, namely cameras 36 and 38; however, these cameras are clearly not color cameras. As noted in col. 3, lines 45-51, cameras 36 and 38 are black and white cameras. This is why the markings are simply processed as bright or dark areas, e.g., in a monochrome or black and white fashion, as described throughout Gobush. Accordingly, Gobush does not teach the use of color cameras to process color markings of more than one color.

Further, while Gobush teaches that as few as three markers can be used on a golf ball, Gobush actually teaches away from the present invention because it teaches that in order to obtain highly accurate data, as many as six markings are needed and that the markers must have defined angles and relations. (See Gobush, col. 4, lns. 34-36). As the present application states with respect to a black and white camera system, “markings may not be as easily discernable, thus rendering the information gathering in conventional systems less accurate” (See Paragraph 073). Because Gobush sees the dots as “bright areas,” or, alternatively, as “dark areas,” Gobush is effectively a monochrome system. Because Gobush is effectively a monochrome system, Gobush has the same shortcomings as a black and white system, especially when fewer, e.g., two, markings are used on the golf ball.

Gobush cannot, therefore, anticipate claim 1 because claim 1 requires “making a golf ball with color markings, the color markings comprising *at least two colors*, and collecting data related to how the golfer’s swing launches a golf ball using *a color camera* and the color markings.” Applicant therefore respectfully requests that the rejection as to claim 1 be withdrawn. Claims 2-10, ultimately depend from claim 1 and are allowable for at least the

reasons discussed above with respect to claim 1. Applicant therefore respectfully requests that the rejection as to claims 2-10 be withdrawn.

Claim 11 is directed to a method for fitting golf equipment that includes *inter alia* similar steps as was discussed with respect to claim 1. Because claim 11 includes similar steps as thus described above, claim 11 is allowable for at least the same reasons as described in relation to claim 1. Applicant therefore, respectfully requests that the rejection as to claim 11 be withdrawn. Claims 12-22, ultimately depend from claim 11 and are allowable for at least the reasons discussed above with respect to claim 11. Applicant therefore respectfully requests that the rejection as to claims 12-22 be withdrawn.

Claim 23 is directed to a golf equipment fitting system that includes *inter alia* a launch module that performs similar functions to those described in relation to the method of claim 1. Accordingly, claim 23 is allowable for at least the same reasons as described in relation to claim 1. Applicant therefore, respectfully requests that the rejection as to claim 23 be withdrawn. Claims 24-31, ultimately depend from claim 23 and are allowable for at least the reasons discussed above with respect to claim 11. Applicant therefore respectfully requests that the rejection as to claims 24-31 be withdrawn.

**CONCLUSION**

Applicant believes that given the above amendments and remarks, the claims are now in condition for allowance and such is respectfully requested. The fee for a one month extension of time is included herewith. The Examiner is requested to charge any additional fees that may be due with this response to deposit account 13-0480 referencing attorney docket no. 67175523.001106.

Respectfully submitted,

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